

REMARKS

Reconsideration of the Office action mailed June 30, 2004 in connection with the above-identified patent application is requested in view of the foregoing amendments and the following remarks.

Claim Rejections – 35 USC §103

The Examiner rejected claims 1 and 20 under 35 U.S.C. §103(a) as obvious in light of Brundage et al. (U.S. Patent 4,934,233) in view of Lokey (U.S. Patent 3,785,230). That rejection is traversed because the cited references fail to show or suggest a braking system supported by the second housing, as recited in claim 1, or the braking means as recited in claim 20. Additionally, mounting a braking system as disclosed in Lokey on housing 19 in Brundage would result in a more dangerous saw because the brake would cause the blade to move down when the brake stopped the blade due to the angular momentum of the blade. The braking system of Lokey could not be mounted on guard 41 in Brundage because that guard pivots over housing 19 and would prevent any braking system from engaging the blade. Thus, there is no reasonable expectation that the combination of Brundage and Lokey would work; to the contrary, it is clear that it would not. There is also no teaching, suggestion or motivation to combine Brundage and Lokey given that there the resulting combination would not work. Accordingly, claims 1 and 20 cannot be obvious in light of the cited references. MPEP 2143.01, 2143.02.

Nevertheless, applicant has amended claims 1 and 20 to specify that the braking system and braking means, respectively, are "located on" the second housing or the second portion of the housing assembly. Applicant is making this change because the

Examiner recognized that locating the braking system or means on the second housing or second portion was novel and non-obvious. Specifically, the Examiner said:

Although, one can argue the appropriateness of the previous rejection with regard to locating a braking cartridge on the pivot arm adjacent the blade, there is no motivation in the previously applied references to locate braking cartridge on the second housing portion Clearly, this is more than just simple rearrangement of parts because the interior guard/housing would interfere with the braking of the blade during a cutting operation if the brake was located on the upper (outer guard) because the interior guard/housing rotates into the outer/upper guard/housing. (Office Action, 4.)

Claim 1 previously required the braking system to be "supported by the second housing." Applicant believes that language is similar to the phrase "located on the second housing," but applicant has amended the claim to correspond to the Examiner's language. Accordingly, claims 1 and 20 should now be allowable over the cited references.

Allowable Subject Matter

The Examiner indicated that claims 5 and 7 would be allowable if rewritten in independent form and applicant has done so with respect to claim 5 so that claim should now be allowed. Claim 7 also should be allowed because it depends from claim 5.

Withdrawn Claim

Claim 4 has been withdrawn from consideration in response to a restriction requirement. Applicant requests that claim 4 be reinstated and allowed because it depends from claim 1 and claim 1 should be allowed for the reasons given above. Applicant also requests that claim 4 be amended as specified.

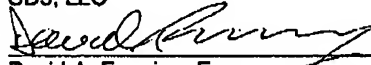
New Claims

Applicant is adding new claims 21-35. These claims are all allowable because they depend from other allowable claims and because they further distinguish the cited references.

All claims currently pending in the application should now be allowable and applicant requests that the application proceed to issuance. The Examiner is invited to telephone the undersigned if there are any questions.

Respectfully submitted,

SD3, LLC



David A. Fanning, Esq.
Registration No. 33,233
Customer No. 27630
22409 S.W. Newland Road
Wilsonville, Oregon 97070
Telephone: (503) 638-6201
Facsimile: (503) 638-8601

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Date: October 29, 2004



David A. Fanning